



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/418,184 10/12/99 EGAN

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EXAMINER

TM02/0907

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KEMPER, M

ART UNIT

PAPER NUMBER

2165

DATE MAILED:

09/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.

09/418,184

Applicant(s)

Egan

Examiner

M. Kemper

Group Art Unit

2165



All participants (applicant, applicant's representative, PTO personnel):

(1) M. Kemper(3) Robert Rosenthal(2) Sean Joseph Egan

(4) _____

Date of Interview Sep 6, 2001Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: 1, 4, and 10

Identification of prior art discussed:

Admission of KolbAgreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☒ No.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant argued that the original specification provides enough information so the reader could determine the negative variability and the low and high range for the range of expected annual returns. The examiner disagrees and maintains that the original specification does not disclose how these parameters are determined. The reader should not have to guess or assume how the results were obtained. The notes provided for these parameters identify the negative variability as a factor for adjusting and, at best, identify the low expected return as a function of the listed variables. Concerning the 101, the applicant will provide reasoning for the requirements of "useful, concrete, and tangible result." Also, note that claim 10 does not assign ratings that would support the "useful, concrete, tangible result." The applicant also argued that the step of calculating an expected annual return (third step in claims 4, 10) was not admitted as well known in the art as used in the 103 rejection. Upon further review, the examiner agrees concerning the 103 rejection.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

MELANIE A. KEMPER
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.